

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

965 CIVIL APPLICATION NO.10045 OF 2023
IN FAST/12297/2023 WITH CA/7214/2023 IN FAST/12297/2023 WITH CA/
7216/2023 IN FAST/12297/2023

SMT LATABAI MANSUB NIGAL AND OTHERS
VERSUS
HARSWARDHAN GUPTESHWAR PATHAK AND ANOTHER

...
Advocate for Applicants : Mr. M.J. Sharma h/f. Mr. M.R. Deshmukh
Advocate for Respondent 2 : Mr. S.S. Patil h/f. Mr. R.H. Dahat
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 07/09/2023

PER COURT :

1. Heard the learned counsel for the respective parties.
2. The present first appeal is filed by the Insurance Company along with applications for condonation of delay and stay. The learned counsel for the Insurance Company has submitted that the amount as directed by the Tribunal is deposited.
3. For the reasons stated in the application for condonation of delay, the delay of 80 days caused in filing the first appeal is condoned. The delay condonation application is allowed.
4. Stay granted earlier is confirmed and made absolute. Stay application is also disposed of.
5. Civil Application No. 10045/2023 is filed for withdrawal of amount by the claimants, widow and sons of the deceased. For the reasons stated in the application, the applicants are permitted to withdraw 60% of compensation amount along with interest accrued thereon in equal proportion as directed by the Tribunal. The civil application filed for withdrawal of amount is allowed and disposed of accordingly.

6. Appeal is **admitted**.
7. Mr. M.J. Sharma, learned counsel waives service of notice for claimants after admission.
8. Office objections, if any, to be removed within four weeks.

[ARUN R. PEDNEKER J.]

ssc/